

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**JOHN DOE, a/k/a SEAN W. LEE,**

**Plaintiff,**

**V.**

**WILLIAM LEE, Governor of the State of  
Tennessee, and DAVID B. RAUSCH,  
Director of the Tennessee Bureau of  
Investigation,**

## Defendants.

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**No. 2:21-cv-02156-SHL-ATC**

**JOINT MOTION TO ADMINISTRATIVELY STAY CASE  
PENDING RULING IN SIXTH CIRCUIT APPEAL**

Plaintiff and Defendants respectfully move the Court to suspend all remaining deadlines and administratively stay this case, with the exception of ruling on the pending unopposed motion for a preliminary injunction, until after the Sixth Circuit rules on the merits of a pending appeal that the Parties believe will directly impact this litigation. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

Plaintiff challenges the constitutionality of the Tennessee Sexual and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 (“the Act”), Tenn. Code Ann. §§ 40-39-201 to -218. (D.E. 78.) However, on March 24, 2023, Defendants filed a notice of appeal in another sexual offender case involving the same or substantially similar legal issues. *See* Notice, *Does #1-9 v. Lee*, 3:21-cv-590 (M.D. Tenn.), ECF No. 138 (attached as Exhibit 1), *appeal filed* No. 23-5248 (6th Cir.). In light of the impact that the Sixth Circuit’s future ruling in *Does #1-9*

may have on the litigation and analysis in this case, the Parties agree that it would be the most efficient use of party and judicial resources to stay this case pending the Sixth Circuit's ruling.

Should the Court find it beneficial, Defendants can provide updates to the Court every 90 days, or as the Court directs, for the purpose of informing the Court of the status of the *Does #1-9* appeal. And, within 30 days of the Sixth Circuit's mandate in *Does #1-9*, the parties will file an update with the Court informing it of the impact the Sixth Circuit's decision will have on this stayed case.

Thus, the Parties respectfully request that the Court grant this motion and, after it rules on Plaintiff's pending unopposed motion for a preliminary injunction, it administratively stay this case.

Respectfully Submitted,

s/ Howard Manis

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was filed electronically and served through the electronic filing system on this the 12th day of April 2023 upon Howard B. Manis, 40 South Main, Suite 1700, Memphis, TN 38103.

s/ Miranda Jones

Miranda Jones